

DETAILED ACTION

Status of Claims

Claims 1 through 14 are amended.

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 3/10/2008 was filed after the mailing date of the Non-Final Rejection on 12/20/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

The substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is accepted by the examiner.

Claim Rejections - 35 USC § 112

Rejection of claims under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 rejected under 35 U.S.C. 103(a) as being unpatentable over
Bednarek (6965868) hereinafter referred to as Bednarek. Bednarek discloses the customer explains his needs either through dialogue or by completing an online form or transmitting some electronic specification of needs. It is noted that the latter options could be performed prior to the onset of dialogue. (Col 79, lines 21-25). Bednarek also discloses Fig. 11, where the agent display includes a "customer profile and agent notes" portion". (Col 80, lines 49-56) and the agent display further includes a "videophone portion" 1130 for displaying a live image of the customer to facilitate a videophone dialog, if the customer chooses to dialog with the sales agent in this way. (Col 80, lines 64-67). Bednarek discloses a coordination means using requests and information from the user including real time information on what user is wearing on videophone in addition to a customer profile and therefore anticipates those claimed features. The Bednarek invention could incorporate information of goods owned by the user or user owned goods data transmitted by a portable terminal means. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have a user store of user owned goods as part of the invention which would provide an

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additional area of information the customer agent would access to coordinate purchases for the customer.

As per Claim 1

Bednarek ('868) discloses:

An article information providing system comprising

- portable terminal means for transmitting a profile of a user and information of goods owned by the user over a network; (Col 65, lines 4-8)
- coordination means for providing an example of combination, of the goods owned by the user, using said user's profile and information of goods owned by the user, which have been received from said portable terminal means over said network; and (Col 10, lines 42-48)
- combination information transmitting means for transmitting to said portable terminal means the example of combination of the goods provided by said coordination means. (Col 32, lines 1-12)

As per Claim 2

Bednarek ('868) discloses:

The article information providing system as defined in claim 1 wherein said coordination means includes storage means for memorizing information of goods as information representing goods and a condition of combination of the goods, and based on the condition of combination of the goods, using said user's profile and information

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of goods owned by the user received from said portable terminal means, said coordination means providing the example of combination of the goods received from said portable terminal means and the goods memorized in said storage means. (Col 33, lines 4-8; Col 77, lines 31-42)

As per Claim 3

Bednarek ('868) discloses:

The article information providing system as defined in claim 1 wherein information of the goods owned by the user is information of the goods carried by the user. (Col 77, lines 34-38, Customer records including transaction history and profile contains information carried by the user.)

As per Claim 4

Bednarek ('868) discloses:

The article information providing system as defined in claim 1 wherein

- said portable terminal means includes position information acquisition means for acquiring the position information of said portable terminal means, said portable terminal means transmitting the position information acquired by said position information acquisition means along with said user's profile and information of goods owned by the user;(Col 21, lines 50-63)
- said coordination means receiving said position information over said network to provide the example of combination of the goods using

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10 said user's profile, information of goods and the position information received over said network. (Col 77, lines 34-38; Col 21, lines 50-63)

As per Claim 5

Bednarek ('868) discloses:

The article information providing system as defined in claim 4 further comprising information requesting means for requesting information of goods owned by said user and the position information of the portable terminal means; said portable terminal means on receipt of a request for the information from said information requesting means over said network transmitting said information of goods owned by the user over said network. (Col 81, lines 1-14)

As per Claim 6

Bednarek ('868) discloses:

The article information providing system as defined in claims 1 wherein said combination information transmitting means is responsive to the request received over said network to transmit the example of combination of the goods provided by said coordination means over said network to make advertisement.(Col 82, lines 21-28; the merchant and/or sales agent transmits images and information to customer over a network.)

As per Claim 7

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Bednarek ('868) discloses:

The article information providing system as defined in claims 1 further comprising

- an advertiser terminal owned by an advertiser; and (Col 10, lines 11-16, 61-63; Col 44, lines 35-38;
- market analysis means for acquiring said user's profile and the information of goods owned by-the user from said portable terminal means, executing market analyses of articles of goods and transmitting the results of the market analyses over said network to said advertiser terminal.(Col 37, lines 66-67; Col 38, lines 1-7)

As per Claim 8

Bednarek ('868) discloses:

The article information providing system as defined in claims 1 wherein said portable terminal means transmits only a difference of information of goods or a difference of the position information over said network. (Col 30, lines 42-50)

As per Claim 9

Bednarek ('868) discloses:

An article information providing system comprising

- portable terminal means includes goods information readout means for reading out information of goods from a carrier of information of goods mounted on goods

and wherein the information read out by said goods information, readout means is transmitted with a profile of a user over said network;(Col 11, lines 21-30)

- coordination means for providing an example of combination of the goods owned by the user, using said user's profile and information of goods owned by the user, which have been received from said portable terminal means over said network; and (Col 77, lines 34-46; the sales agent display contains the profile and history of customer, and pushes information about possible combinations to customer.(Col 77, lines 47-49)
- combination information transmitting means for transmitting to said portable terminal means the example of combination of the goods provided by said coordination means. (Col 77, lines 34-49)

As per Claim 10

Bednarek ('868) discloses:

An article information providing server comprising coordinating means including storage means for memorizing information of goods as information representing goods and condition of combination of the goods, Said coordinating means providing an example of combination of the goods received over said network and the goods stored in said storage means, based on said condition of combination of goods, using said user's profile and information of goods owned by the user, received over said network; and combination information transmitting means for transmitting the example of combination of goods provided by said coordination means over said network. (Fig. 1,

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30; Col 23, lines 11-17; Col 28, lines 17-21; Col 89, lines 62-65)

As per Claim 11

Bednarek ('868) discloses:

The article information providing server as defined in claim 10 wherein information of the goods owned by the user are information of the goods carried by the user. (Col 90, lines 55-63)

As per Claim 12

Bednarek ('868) discloses:

The article information providing server as defined in claim 10 wherein said coordination means further receives the user's position information over said network and provides an example of combination of the goods using-said user's profile, information of the goods owned by the user and the user's position information, received over said network.(Col 36, lines 37-42)

As per Claim 13

Bednarek ('868) discloses:

The article information providing server as defined in claims 10 wherein said combination information transmitting means is responsive to a request received over said network to transmit the example of combination of the goods provided by said coordination means over said network to make advertisements. (Col 27, lines 59-65)

As per Claim 14

Bednarek ('868) discloses:

The article information-providing server as defined in claims 10 further comprising market analysis means for acquiring said user's profile and information of goods owned by the user to execute market analyses of the articles and for transmitting the results of the market analyses over said network to an advertiser terminal owned by an advertiser. (Fig. 1, 30; Col 23, lines 11-17; Col 28, lines 17-27; Col 28, lines 17-37; Col 62, lines 33-37)

Applicant Arguments

Applicant's arguments filed on 3/20/2008 have been fully considered but are not persuasive. Bednarek has the ability and capacity to acquire user owned goods data and goods on the person of the user data. Whether this data is stored in a separate file or combined with the original request from the user does not change the outcome of the prior art. The coordination means is clearly depicted on both agent and user display screens.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Information on Garanimals for combining articles of clothing.
2. Jacobi (6064980), Bezos (6963850), disclose recommending engines to customers based on history, ratings systems and like customer marketing categories.
3. Onyshkevych et al. (6665577) discloses a virtual model that allows customers to mix and match clothes and accessories on a graphical display of themselves.
4. Newman (5665951) discloses a currently owned items storage in a shopping assisting system.
5. Suzuki (6129274) discloses customers personal memory store and electronic personal digital shopping assistant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COLLEEN HOAR whose telephone number is (571)270-3447. The examiner can normally be reached on Monday- Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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